

1 BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
2 IN MEDICINE AND SURGERY

3
4 IN THE MATTER OF

5 **JERRY OLSHAN, D.O.**
6 Holder of License No. 1376

7 For the Practice of osteopathic medicine
8 in the State of Arizona,
9 Respondent.

Case No. DO-15-0054A

**INTERIM ORDER FOR PRACTICE
RESTRICTION (SUSPENSION) AND
PHYSICAL EVALUATION**

10 **JURISDICTIONAL STATEMENTS**

11 1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to
12 regulate the practice of osteopathic medicine in the State of Arizona, and the
13 conduct of the persons licensed, registered, or permitted to practice osteopathic
14 medicine in the State of Arizona.

15 2. Respondent is the holder of License No. 1376 issued by the Board
16 for the practice of osteopathic medicine in the State of Arizona.

17 **FINDINGS OF FACT**

18 1. On March 2, 2015, The Arizona Board of Osteopathic Examiners in
19 Medicine and Surgery received a complaint from patient C.F. regarding care provided
20 to her by Respondent.

21 2. The complainant alleged she was under Respondent's care when her cancer
22 returned but Respondent failed to make her aware of the test results in a timely
23 manner. In addition, she was not able to reach Respondent when she attempted to
24 obtain her test results.
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3. The complainant alleged that as a result of this delay, her cancer progressed and metastasized.

4. The Board held an Investigative Hearing on this matter on October 8, 2016. Respondent appeared personally and on his own behalf. At the conclusion of the hearing, the Board voted to offer Respondent an opportunity to enter an interim consent agreement. If Respondent failed to sign the consent agreement, the Board voted that an Order be issued.

7. As of January 25, 2017, Respondent has not signed the Interim Consent Agreement but he has undergone a neuropsychological evaluation, which was only one condition of the Interim Consent Agreement/Order offered by the Board. As of this date, Respondent has failed to abide by the remaining condition, namely undergoing a complete physical examination and drug testing.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct, if proven, as set forth above constitute a violation of A.R.S. §32-1854 (6), and (38).

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice osteopathic medicine, No. 1376, is **SUSPENDED**. Respondent shall not practice medicine of any kind, this includes any medicine involving direct or indirect patient care, and Respondent is prohibited from

1 prescribing any form of treatment or medications, until Respondent applies to the
2 Board and receives permission to do so as set forth below. The suspension of
3 Respondent's license is effective pursuant to paragraph 9 below.

4 2. This interim order of suspension does not apply to any prescription signed
5 by Respondent that is dated prior to the effective date of this Interim Order if the
6 prescription is presented to a pharmacy after that date.

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8 3. The suspension of Respondent's license shall continue until such time as
9 the Board determines, in its sole discretion, that Respondent may safely resume the
10 practice of medicine. Upon a finding that Respondent may safely resume practice in
11 the State of Arizona, the Board may terminate or modify the license suspension and/or
12 place other practice restrictions on Respondent, as deemed necessary after notice
13 and an opportunity for hearing.

14 4. This is an interim order and not a final decision by the Board regarding
15 the pending investigative file and as such is subject to further consideration and
16 modification by the Board.

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18 5. Respondent shall undergo a complete physical by his primary care physician
19 within forty-five (45) days of the date of this interim order. The physical shall include
20 all necessary lab work and for illegal drugs/substances, opioids, and other
21 prescription medication testing. Respondent shall ensure that within fifteen (15)
22 days of the physical, the primary care physician shall provide a written report to
23 the Board regarding the results of Respondent's physical exam and lab work.

24 The primary care physician shall be a board certified internist.
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1 6. Respondent shall sign such releases as are necessary to ensure
2 that the report(s) of the evaluation and/or assessment and physical exams are
3 made directly and confidentially to the Executive Director of the Board of
4 Osteopathic Examiners.

5 7. Pursuant to A.R.S. § 32-1855 (B) the evaluations/assessments and
6 examinations shall be at the Respondent's expense.

7 8. This Interim Order is in force and effect upon issuance by the
8 Board's Executive Director pursuant to paragraph 9 below. Failure to comply with
9 this Interim Order may result in additional disciplinary action against
10 Respondent's license (A.R.S. § 32-1954 (25)).

11 9. **RIGHT TO PETITION FOR REHEARING OR REVIEW**

12 Respondent is hereby notified that he has the right to petition for a
13 rehearing or review. The petition for rehearing or review must be filed with the
14 Board's Executive Director within thirty (30) days after service of this Interim
15 Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set
16 forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-
17 103. Service of this interim order is effective five (5) days after date of mailing.
18 A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the
19 Board's Interim Order becomes effective thirty-five (35) days after it is mailed to
20 Respondent.

21 Respondent is further notified that the filing of a motion for rehearing or
22 review is required to preserve any rights of appeal to the Superior Court.
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2 DATED AND EFFECTIVE this 9th day of February, 2017.

3 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
4 IN MEDICINE AND SURGERY



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11 By: Jenna Jones
12 Executive Director

13 Original of the foregoing filed
14 this 9th day of February, 2017, with:

15 Arizona Board of Osteopathic Examiners
16 9535 E. Doubletree Ranch Road
17 Scottsdale, AZ 85258-5539

18 Copy of the foregoing mailed U.S.
19 Certified Mail this 9th day of February 2017 to:

20 Jerry Olshan, D.O.
21 Address of Record

22 Copy of the foregoing mailed U.S.
23 regular mail this 9th day of February 2017 to:

24 Jeanne Galvin
25 Asst. Attorney General
26 Arizona Attorney General's Office
1275 W. Washington
Phoenix, Arizona 85007